

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Charles Kenneth Voigt,	)	
	)	
Plaintiff,	)	<b>ORDER ADOPTING</b>
	)	<b>REPORT AND RECOMMENDATION</b>
vs.	)	
	)	
State of North Dakota,	)	Case No. 1:06-cv-084
	)	
Defendant.	)	

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The plaintiff, Charles Kenneth Voigt, filed a pro se complaint and application to proceed in forma pauperis on August 29, 2005. Magistrate Judge Charles S. Miller, Jr. conducted a review pursuant to 28 U.S.C. § 1915(e)(2), and submitted a Report and Recommendation. Judge Miller recommended that Voigt's application to proceed in forma pauperis be denied. Voigt was then given ten (10) days to file an objection to the Report and Recommendation.

On November 30, 2006, Voigt filed an objection to the Report and Recommendation. In his objection, Voigt contends his complaint should be given a liberal construction and that there are no attorneys in North Dakota who know anything about the ADA.<sup>1</sup> In the report and recommendation, Judge Miller makes it very clear he gave Voigt's complaint a liberal construction. The complaint makes no reference to the ADA. Even with a liberal construction, Voigt's complaint is clearly without any basis in the law.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the record as a whole and finds the Report and Recommendation to be persuasive, thorough

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<sup>1</sup> The Court presumes Voigt is referring to the Americans with Disabilities Act. 42 U.S.C. § 12131 et seq.

and accurate. The Court **ADOPTS** the Report and Recommendation in its entirety. The application to proceed in forma pauperis is **DENIED**. The Clerk is directed to return the original pleadings to Voigt.

**IT IS SO ORDERED.**

Dated this 5<sup>th</sup> day of December, 2006.

/s/ Patrick A. Conmy

Patrick A. Conmy, Senior District Judge  
United States District Court